

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2858 - SB 2687

March 9, 2020

SUMMARY OF ORIGINAL BILL: Authorizes the Comptroller of the Treasury (COT) to submit data and information regarding state trial judge positions and the weighted caseload formula to the Judiciary Committees of the Tennessee General Assembly (TGA) in electronic format.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (016445): Deletes all language after the enacting clause. Repeals Public Chapter 505 (1972) and Public Chapter 78 (1975). Creates a general sessions court in White County with concurrent jurisdiction with the circuit judge and chancellor in White County in domestic relations, juvenile, and probate cases. Specifies that a judge for the White County General Sessions Court will be elected in the August 2022 general election with an initial term set to begin on September 1, 2022. Creates a general sessions court in Van Buren County with concurrent jurisdiction with the circuit judge and chancellor in Van Buren County in domestic relations, juvenile, and probate cases. Specifies that a judge for the Van Buren County General Sessions Court will be elected in the August 2022 general election with an initial term set to begin on September 1, 2022.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase Local Expenditures –

Net Impact – \$163,800/FY22-23/Van Buren County*

Net Impact – \$108,800/FY22-23/White County*

Net Impact– \$196,500/FY23-24 and Subsequent Years/Van Buren County*

Net Impact– \$130,500/FY23-24 and Subsequent Years/White County*

Assumptions for the bill as amended:

- Public Chapter 505 (1972) created the Greater General Sessions Court of Van Buren and White Counties and outlined procedures for operation and compensation for the consolidated general sessions court.

- Public Chapter 78 (1975) vested the Greater General Sessions Court of Van Buren and White Counties in proceedings involving affected juveniles and revised the compensation methodology.
- The proposed legislation repeals such acts and creates two independent general sessions courts in each White County and Van Buren County.
- Pursuant to Public Chapter 78 (1975) Section 15, the compensation of the judge of the Greater General Sessions Court of Van Buren and White Counties is to be paid \$4,000 monthly, or \$48,000 annually ($\$4,000 \times 12$), from the general fund of Van Buren County, and \$9,500 monthly, or \$114,000 annually ($\$9,500 \times 12$), from the general fund of White County.
- Tenn. Code Ann. § 16-15-5003 outlines the minimum compensation for general sessions court judges and specifies that the salary of a general sessions judge may not exceed the salary of a circuit court judge.
- Based on information provided by the Administrative Office of the Courts, estimated FY20-21 salary and benefits for a state circuit court judge are \$244,523.
- This analysis assumes that the salary and benefits for general sessions judges are equal to the estimated FY20-21 salary and benefits for a state circuit court judge.
- The proposed legislation specifies that the initial general sessions judges' terms are effective September 1, 2022, which is approximately 83.33 percent of FY22-23. As such, this analysis estimates 83.33 percent of the fiscal year impact will occur in FY22-23 and 100 percent will occur in FY23-24 and subsequent years.
- The proposed legislation will result in a mandatory net increase in expenditures to Van Buren County in FY22-23 estimated to be \$163,763 [$(\$244,523 - \$48,000) \times 83.33\%$].
- The proposed legislation will result in a mandatory net increase in expenditures to White County in FY22-23 estimated to be \$108,765 [$(\$244,523 - \$114,000) \times 83.33\%$].
- The proposed legislation will result in a mandatory net increase in expenditures to Van Buren County in FY23-24 and subsequent years estimated to be \$196,523 ($\$244,523 - \$48,000$).
- The proposed legislation will result in a mandatory net increase in expenditures to White County in FY23-24 and subsequent years estimated to be \$130,523 ($\$244,523 - \$114,000$).
- Pursuant to Public Chapter 505 (1972) Section 18, all fees, commissions, and emoluments of the Greater General Sessions Court of Van Buren and White Counties collected by the clerk of the court are required to be paid into the general funds of the counties on the basis of which county the particular related matter arose from. Therefore, any impact to court fine revenue resulting from creating two independent general sessions courts is estimated to be not significant.
- The election of general sessions judges for White and Van Buren Counties will occur during the general election cycle; therefore, any fiscal impact resulting from the election of such offices is estimated to be not significant.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj